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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013-384

13 **DEBRAH A. DELOS-SANTOS**
a.k.a. **DEBRAH A. DELOSSANTOS**
14 **15606 Marconi Avenue**
Surprise, AZ 85374

A C C U S A T I O N

15 **Registered Nurse License No. 487605**

16 Respondent.

17 Louise R. Bailey, M.Ed., RN ("Complainant") alleges:

18 **PARTIES**

19 1. Complainant brings this Accusation solely in her official capacity as the Executive
20 Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.

21 2. On or about March 31, 1993, the Board issued Registered Nurse License Number
22 487605 to Debrah A. Delos-Santos a.k.a. Debrah A. Delossantos ("Respondent"). The license
23 expired on October 31, 2008, and has not been renewed.

24 **JURISDICTION**

25 3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that
26 the Board may discipline any licensee, including a licensee holding a temporary or an inactive
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1 license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing
2 Practice Act.

3 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not
4 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
5 to render a decision imposing discipline on the license. Under Code section 2811(b), the Board
6 may renew an expired license at any time within eight years after the expiration.

7 **STATUTORY PROVISIONS**

8 5. Code section 2761 states, in pertinent part:

9 The board may take disciplinary action against a certified or licensed nurse or
10 deny an application for a certificate or license for the following:

11 (a) Unprofessional conduct.

12 (4) Denial of licensure, revocation, suspension, restriction, or any other
13 disciplinary action against a health care professional license or certificate by another
14 state or territory of the United States, by any other government agency, or by another
California health care professional licensing board. A certified copy of the decision
or judgment shall be conclusive evidence of that action.

15 **COST RECOVERY**

16 6. Code section 125.3 provides, in pertinent part, that the Board may request the
17 administrative law judge to direct a licentiate found to have committed a violation or violations of
18 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
19 enforcement of the case.

20 **FIRST CAUSE FOR DISCIPLINE**

21 **(Out-of-State Discipline)**

22 7. Respondent is subject to discipline under Code section 2761(a)(4), in that effective
23 March 1, 2011, pursuant to a Consent Agreement and Order ("Order") by the Arizona State Board
24 of Nursing, in a disciplinary proceeding titled, *In the Matter of Registered Nurse License No.*
25 *RN131245 Issued to Debrah Anne Delos-Santos*, Respondent's registered nursing license number
26 RN131245 was placed on probation for 24-months with terms and conditions. The Order was
27 based on numerous Findings of Fact, including the following: 1) Practicing beyond the scope of
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her license; 2) Misrepresenting her credentials; and 3) Violating drug statutes (false recording and documentation). The Order is attached hereto as **Exhibit A** and incorporated herein by reference.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 487605, issued to Debrah A. Delos-Santos a.k.a. Debrah A. Delossantos;
2. Ordering Debrah A. Delos-Santos a.k.a. Debrah A. Delossantos to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and,
3. Taking such other and further action as deemed necessary and proper.

DATED: November 8, 2012


for LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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EXHIBIT A

Consent Agreement and Order by the Arizona State Board of Nursing from
In the Matter of Registered Nurse License No. RN131245 Issued to Debrah Anne Delos-Santos

BEFORE THE ARIZONA STATE BOARD OF NURSING

IN THE MATTER OF REGISTERED)
NURSE LICENSE NO. RN131245)
ISSUED TO:)

DEBRAH ANNE DELOS-SANTOS)
RESPONDENT)

**CONSENT AGREEMENT
AND
ORDER NO. 1006100**

CONSENT AGREEMENT

A complaint charging Debrah Anne Delos-Santos ("Respondent") with violation of the Nurse Practice Act has been received by the Arizona State Board of Nursing ("Board"). In the interest of a prompt and speedy settlement of the above-captioned matter, consistent with the public interest, statutory requirements and the responsibilities of the Board, and pursuant to A.R.S. § 41-1092.07(F)(5), the undersigned parties enter into this Consent Agreement as a final disposition of this matter.

Based on the evidence before it, the Board makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Respondent holds Board issued registered nurse license no. RN131245.
2. From in or around December 2007 to on or around June 17, 2010, Respondent was employed at Gatehouse Academy in Wickenburg, Arizona.
3. On or about June 30, 2010, Leah Briick, Chief Operations Officer for Gatehouse Academy, filed a complaint with the Board, alleging that Respondent falsified her credentials, had narcotic discrepancies, and wrote verbal orders without authorization while employed at Gatehouse Academy. Based on this information, the Board opened an investigation.
4. From on or about August 19, 2009 to on or about June 29, 2010, while employed at Gatehouse Academy, Respondent falsified documentation by signing twenty-one medication

disposal records, stating those medications had been destroyed. After Respondent left her Gatehouse Academy employment, staff found the medications in a safe and not destroyed as documented by Respondent.

5. On or about June 16, 2010, while employed at Gatehouse Academy, Respondent practiced beyond her scope when she wrote four prescriptions as verbal orders for patient N.D. The patient's provider denied giving verbal orders for the medications.

6. While employed at Gatehouse Academy, Respondent created a letter, purported to be from the Arizona Board of Psychological Examiners, which stated she had credentials as a psychologist with a provisional license in Arizona. Respondent did not have these credentials.

7. While employed at Gatehouse Academy, Respondent created an on-line verification from Colorado that indicated she had credentials as a nurse practitioner in Colorado. Respondent was not credentialed as a nurse practitioner in Colorado.

8. In a Board review of Respondent's past employment records from Sun Health Del Webb Medical Center, it was revealed Respondent's employment had been terminated for a HIPPA (rules related to medical record privacy) violation when she looked into employees' medical records. On or about June 22, 2010, Respondent falsified an employment application for Aurora Behavioral Health in Arizona when she stated she left Sun Health employment for reasons other than termination.

9. On or about August 17, 2010, the Arizona Board of Psychologist Examiners denied Respondent's application for licensure to practice psychology. The basis for the denial was Respondent's admitted commission of an act involving deceit and misrepresentation.

10. On or about October 10, 2010, Respondent failed to provide the Board with an accurate and complete response to the complaint when she failed to list all employers during the past five years and falsely stated she had no previous employment terminations.

11. On or about October 19, 2010, Respondent's employment at Aurora Behavioral Health was terminated for failing to hold information confidential thereby impeding the integrity of an investigation, and also for ineffective communication.

CONCLUSIONS OF LAW

Pursuant to A.R.S. §§ 32-1606, 32-1663 and 32-1664, the Board has subject matter and personal jurisdiction in this matter.

The conduct and circumstances described in the Findings of Fact constitute violations of A.R.S. § 32-2061 (13) (c) (Making or using statements of a character tending to deceive or mislead) and (dd) (Violating an ethical standard adopted by the board.), A.R.S. § 32-1663 (D) as defined in A.R.S. § 32-1601(16)(d)(Any conduct or practice that is or might be harmful or dangerous to the health of a patient or the public), (h)(Committing an act that deceives, defrauds or harms the public), and (j) (Violating a rule that is adopted by the Board pursuant to this chapter) (effective August 2004), A.R.S. § 32-1663 (D) defined in A.R.S. § 32-1601 (18)(d) (Any conduct or practice that is or might be harmful or dangerous to the health of a patient or the public), (f)(Having a license, certificate, permit, or registration to practice a health care profession denied, suspended, conditioned, limited or revoked in another jurisdiction and not reinstated by that jurisdiction), (h)(Committing an act that deceives, defrauds or harms the public), and (j) (Violating a rule that is adopted by the Board pursuant to this chapter) (effective October 14, 2009), and A.A.C. R4-19-403 (1) (A pattern of failure to maintain minimum standards of acceptable and prevailing nursing practice), (8)(a) (Falsifying or making a

materially incorrect, inconsistent, or unintelligible entry in any record regarding a patient, health care facility, school, institution, or other work place location), (12) (Assuming patient care responsibilities that the nurse lacks the education to perform, for which the nurse has failed to maintain nursing competence, or that are outside the scope of practice of the nurse), (20) (Engaging in fraud, misrepresentation, or deceit in taking a licensing examination or on an initial or renewal application for a license or certificate), (25)(a) (Failing to furnish in writing a full and complete explanation of a matter reported pursuant to A.R.S. § 32-1664), (26) (Making a written, false, or inaccurate statement to the Board or the Board's designee in the course of an investigation), (27) (Making a false or misleading statement on a nursing or health care related employment or credential application concerning previous employment, employment experience, education or credentials), and (31) (Practicing in any other manner that gives the Board reasonable cause to believe the health of a patient or the public may be harmed) (effective February 2, 2009).

The conduct and circumstances described in the Findings of Fact constitute sufficient cause pursuant to A.R.S. § 32-1664(N) to revoke, suspend or take other disciplinary action against Respondent's license to practice as a registered nurse in the State of Arizona.

Respondent admits the Board's Findings of Fact and Conclusions of Law.

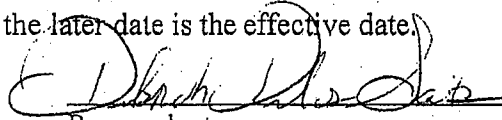
In lieu of a formal hearing on these issues, Respondent agrees to issuance of the attached Order and waives all rights to a hearing, rehearing, appeal or judicial review relating to the Order except in the limited circumstance(s) specified in Paragraph 16 of this Order.

Respondent understands that all investigative materials prepared or received by the Board concerning these violations and all notices and pleadings relating thereto may be retained in the Board's file concerning this matter.

Respondent understands that the admissions in the Findings of Fact are conclusive evidence of a violation of the Nurse Practice Act and may be used for purposes of determining sanctions in any future disciplinary matter.

Respondent understands the right to consult legal counsel prior to entering into this Consent Agreement and such consultation has either been obtained or is waived.

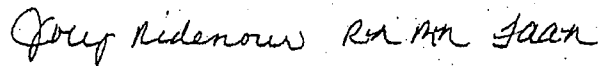
Respondent understands that this Consent Agreement is effective upon its acceptance by the Board and by Respondent as evidenced by the respective signatures thereto. Respondent's signature obtained via facsimile shall have the same effect as an original signature. Once signed by Respondent, the Agreement cannot be withdrawn without the Board's approval or by stipulation between Respondent and the Board's designee. The effective date of this Order is the date the Consent Agreement is signed by the Board and by Respondent. If the Consent Agreement is signed on different dates, the later date is the effective date.


Respondent

Dated: 3/1/2011

SEAL

ARIZONA STATE BOARD OF NURSING



Joey Ridenour, R.N., M.N., F.A.A.N.
Executive Director

Dated: January 27, 2011

ORDER

In view of the above Findings of Fact, Conclusions of Law and the consent of Respondent, the Board hereby issues the following Order:

- A. Respondent's consent to the terms and conditions of the Order and waiver of public hearing is accepted.
- B. Respondent's license is placed on probation for 24 months. Prior to termination of probation, Respondent shall work as a registered nurse for a minimum of twenty-four (24) months (not less than sixteen hours a week).
- C. This Order becomes effective upon the Board and Respondent's acceptance of the Consent Agreement. The effective date of this Order is the date the Consent Agreement is signed by the Board and by Respondent. If the Consent agreement is signed on different dates, the later is the effective date. Probation is to commence the effective date of this Order.
- D. If Respondent is noncompliant with any of the terms of the Order, Respondent's noncompliance shall be reviewed by the Board for consideration of possible further discipline on Respondent's nursing license.
- E. If Respondent is convicted of a felony, Respondent's license shall be automatically revoked for a period of five years. Respondent waives any and all rights to a hearing, rehearing or judicial review of any revocation imposed pursuant to this paragraph.
- F. Probation is subject to the following terms and conditions:

TERMS OF PROBATION

1. Stamping of License

Within seven days of the effective date of this Order, Respondent shall submit her license to be stamped "**PROBATION.**" While this Order is in effect, if the Board issues any

certificates or licenses authorized by statute, except a nursing assistant certificate, such certificate or license shall also be stamped "probation." Respondent is not eligible for a multistate "Compact" license.

2. Psychological Evaluation

Within 30 days of the effective date of the Order, Respondent shall make an appointment to undergo a psychological evaluation, to include psychometric testing, by a Board-approved psychologist, to be completed within sixty days of the effective date of the Order. Respondent shall execute the appropriate release of information form(s) to allow the evaluator to communicate information to the Board or its designee. Respondent consents to the Board providing the evaluator with any documents deemed pertinent by the Board or its designee, which may include the Board's investigative report. Prior to the evaluation, Respondent shall furnish a copy of this Consent Agreement and Order to include Findings of Fact, Conclusions of Law, and Order to the evaluator who shall verify receipt of the Consent Agreement and Order to include Findings of Fact in a written report on letterhead to the Board. Respondent shall direct the evaluator to provide a report to the Board summarizing the evaluation within thirty days after the evaluation is completed.

The report shall include a history and physical, relevant laboratory data if appropriate, psychological testing if appropriate, recommendations for treatment, if any, and an assessment as to Respondent's ability to function safely in nursing.

If it is recommended that Respondent undergo medical treatment and/or psychological therapy or counseling, Respondent shall, within seven days of notification of the recommendation(s), provide to the Board or its designee for prior approval, the name and qualifications of treatment professional(s) with appropriate level of expertise of Respondent's

choice. Upon approval of the treatment professional(s), Respondent shall provide a copy of the entire consent agreement which the treatment professional(s) shall verify in writing on letterhead in their first report to the Board. Respondent shall undergo and continue treatment until the treatment professional(s) determines and reports to the Board in writing and on letterhead, that treatment is no longer considered necessary. Respondent shall have the treatment professional(s) provide written reports to the Board every three months. The Board reserves the right to amend this Order based on the evaluation results or the treatment professional's recommendations.

3. Nursing Ethics Course and Documentation Course Attendance

Within thirty (30) days of the effective date of this Order, Respondent shall submit to the Board or its designee for prior approval, course outlines/objectives of educational courses or programs related to nursing ethics and nursing documentation. Courses must be completed within the first three months of the effective date of the Order. Respondent shall provide written proof from each instructor or provider of the course verifying enrollment, attendance, and successful completion of each required course or program. Following the successful completion of each course or program, the Board or its designee may administer an examination to test Respondent's knowledge of the course or program content. The Board reserves the right to amend the Order based on the recommendation(s) of the course instructor.

4. Notification of Practice Settings

Any setting in which Respondent accepts employment, which requires RN licensure, shall be provided with a copy of the entire Order on or before the date of hire. Within seventy-two hours of Respondent's date of hire, Respondent shall cause her immediate supervisor to inform the Board, in writing and on employer letterhead, acknowledgment of the supervisor's receipt of a copy of this Consent Agreement and Order and the employer's ability to

comply with the conditions of probation. In the event Respondent is attending a nursing program, Respondent shall provide a copy of the entire Consent Agreement and Order to the Program Director. Respondent shall cause the Program Director to inform the Board, in writing and on school letterhead, acknowledgment of the program's receipt of a copy of the Consent Agreement and Order and the program's ability to comply with the conditions of probation during clinical experiences.

5. Monthly/Quarterly Reports

For the first twelve (12) months of employment, Respondent shall cause every employer to provide the Board, in writing, employer evaluations on the Board-approved form. Within 7 days of each reporting due date, if Respondent is working in any position which requires RN licensure Respondent shall cause every employer Respondent has worked for during the month to provide to the Board, in writing, employer evaluations on the Board-approved form. The first report is due within seven (7) days after the end of the first month from the effective date of this agreement.

After the first twelve months of employment, Respondent shall cause every employer to provide the Board, in writing employer evaluations every quarter based on assigned quarterly report due dates.

Receipt of notice of an unsatisfactory employer evaluation, verbal or written warning, counseling or disciplinary action any of which pertain to patient care practice issues, or termination from a place of employment shall be considered as noncompliance with the terms of the Order. In the event Respondent is not working in a position which required RN licensure, or attending school during any quarter or portion thereof, Respondent shall provide to the Board, in writing, a self-report describing other employment or activities on the Board-approved form.

Failure to provide employer evaluations/or self-reports within 7 days of the reporting date shall be considered as noncompliance with the terms of the Order.

6. Practice Under Direct Supervision

Respondent shall practice as a registered nurse only under the direct supervision of a registered nurse in good standing with the Board. Direct supervision is defined as having a registered nurse present on the same unit with the Respondent whenever Respondent is practicing as a registered nurse. The supervising nurse shall have read this Consent Agreement and Order to include the Findings of Fact and Conclusions of Law, and Order, and shall provide input on Respondent's employer evaluations to the Board. The supervising nurse shall be primarily one person, who may periodically delegate to other qualified personnel, who shall also have read this Consent Agreement and Order to include Findings of Fact, Conclusions of Law. In the event that the assigned supervising nurse is no longer responsible for the supervision required by this paragraph, Respondent shall cause her new supervising nurse to inform the Board, in writing and on employer letterhead, acknowledgment of the new supervisor's receipt of a copy of this Consent Agreement and Order to include the Findings of Fact and Conclusions of Law and the new supervising nurse's agreement to comply with the conditions of probation within ten days of assignment of a new supervising nurse.

7. Acceptable Hours of Work

Respondent shall work only the day or evening shift. Evening shift is defined as a shift that ends prior to midnight. Within a 14-day period Respondent shall not work more than 84 scheduled hours.

Respondent may work three 12-hour shifts in one seven day period and four 12-hour shifts in the other seven-day period, but Respondent may not work more than 3 consecutive

12-hour shifts during this probationary period. Respondent shall not work 2 consecutive 8 hour shifts within a 24 hour period or be scheduled to work 16 hours within a 24 hour period.

8. Registry Work Prohibited

Respondent may not work for a nurse's registry, home health, traveling nurse agency, any other temporary employing agencies, float pool, or position that requires on-call status.

9. Out-of-State Practice/Residence

Before any out-of-state practice or residence can be credited toward fulfillment of these terms and conditions, it must first be approved by the Board prior to leaving the state. If Respondent fails to receive such approval before leaving the state, none of the time spent out-of-state will be credited to the fulfillment of the terms and conditions of this Order.

10. Release of Information Forms

Respondent shall sign all release of information forms as required by the Board or its designee and return them to the Board within 10 days of the Board's written request. Failure to provide for the release of information, as required by this paragraph constitutes non-compliance with this Order.

11. Interview With the Board or Its Designee

Respondent shall appear in person or if residing out of state telephonically for interviews with the Board or its designee upon request at various intervals and with reasonable notice.

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12. Renewal of License

In the event Respondent's registered nurse license is scheduled to expire while this Order is in effect, Respondent shall apply for renewal of the license, pay the applicable fee, and otherwise maintain qualification to practice nursing in Arizona.

13. Change of Employment/Personal Address/Telephone Number

Respondent shall notify the Board, in writing, within 7 days of any change in nursing employment, personal address or telephone number. Changes in nursing employment include the acceptance, resignation or termination of employment.

14. Obey All Laws

Respondent shall obey all laws/rules governing the practice of nursing in this state and obey all federal, state and local criminal laws. Respondent shall report to the Board, within 10 days, any misdemeanor or felony arrest or conviction.

15. Costs

Respondent shall bear all costs of complying with this Order.

16. Violation of Probation

If Respondent is noncompliant with this Order in any respect, the Board or its designee may notify Respondent's employer of the noncompliance. Additionally, the Board may revoke probation and take further disciplinary action for noncompliance with this Order after affording Respondent notice and the opportunity to be heard. If a complaint or petition to revoke probation is filed against Respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

17. Voluntary Surrender of License

Respondent may, at any time this Order is in effect, voluntarily request surrender of her license.

18. Completion of Probation

Respondent is not eligible for early termination of this Order. Upon successful completion of the terms of probation, Respondent shall request formal review by the Board, and after formal review by the Board, Respondent's nursing license may be fully restored by the appropriate Board action if compliance with this Order has been demonstrated.

SEAL

ARIZONA STATE BOARD OF NURSING

Joey Ridenour R.N. M.N. F.A.A.N.

Joey Ridenour, R.N., M.N., F.A.A.N.
Executive Director

Dated: January 27, 2011

JR/JP:

COPY mailed this 31st day of January, 2011, by First Class Mail, to:

Debrah Anne Delos-Santos
17602 W Spur Drive
Surprise, AZ 85387

By: Trina Smith
Legal Secretary

EXECUTED SEALED COPIES mailed this 3rd day of March, 2011, by First Class Mail, to:

Debrah Anne Delos-Santos
17602 W Spur Drive
Surprise, AZ 85387

By: Trina Smith
Legal Secretary